

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GENARO C. MARTINO,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No. 3:02-cv-00544-LRH-RAM

ORDER

This action is a closed petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner represented by counsel. By order filed April 6, 2010, this Court dismissed one ground of the petition as procedurally defaulted, and denied the remaining grounds of the petition as without merit. (ECF No. 71). Judgment was entered on April 6, 2010. (ECF No. 72). Petitioner appealed the denial of his petition. (ECF No. 73).

On February 28, 2014, the United States Court of Appeals for the Ninth Circuit filed an order that, due to petitioner's death, the appeal was dismissed as moot. (ECF No. 77). The Court of Appeals remanded the case to this court with instructions to vacate all orders and dismiss the petition. (*Id.*).

IT IS THEREFORE ORDERED that this action is **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk of Court shall close the file in this action.

DATED this 2nd day of May, 2014.


LARRY R. HICKS
UNITED STATES DISTRICT JUDGE